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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,249	12/17/2001	Susan T. Tingey	83783CEB	6214

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04/14/2005

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EXAMINER

FOSTER, JIMMY G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,249

Applicant(s)

TINGEY ET AL.

Examiner

Jimmy G Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1) The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claim 1 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Saveliev et al (5,819,936) in view of Arai et al (5,624,033), Light et al (5,885,673), Hara (5,139,165), and Cyr (5,775,496). In the reference of Saveliev et al, a container is disclosed for photographic film, including a product container at body 12, a reclosable lid at 14, and a finger release at 18. The container is made of high density polyethylene (beginning col. 3, line 29).

Although the contained film disclosed by the reference of Saveliev et al is not disclosed as being wrapped and sealed, the reference of Arai et al, at 12, col. 1, lines 7-12, and column 3, lines 64-65, suggests that photographic film in a product container (housing part 14), may be wrapped in a flexible barrier moisture-proof material wrapper (12). It is apparent that the function of this would be to prevent undesirable outside moisture from reaching unexposed film while it is stored in the outer container. Accordingly, it would have been obvious in view of Arai et al to have provided the film in the container of Saveliev et al with an sealed wrapper of moisture-proof material, for the purpose of preventing undesirable moisture from contacting the film while it is stored.

Moreover, the reference of Light et al, at 14, 18, col. 1, lines 39-41, col. 3, lines 37-47, col. 4, lines 26-49, and col. 4, line 63 through col. 5,

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line 4, suggests that in order to prevent moisture damage to film, the film may be wrapped in a moisture-proof material which includes an aluminized (vapor or vacuum deposited) thermoplastic layer moisture barrier 14 (e.g. polyethylene), and may be sealed, as by heat sealing since the seal-forming coating (18) is a hot melt coating (polyethylene-EVA-polybutylene). This wrapper may be provided in an outer container (see col. 1, lines 17-19). Accordingly, it would have been further obvious in view of these suggestions of Light et al to have made the wrapper of Saveliev et al, as modified based on Arai et al above, with a flexible barrier material including a heat sealed aluminized thermoplastic material to prevent moisture from contacting and damaging the film in the outer container.

Additionally, the reference of Hara, at 5 and 13, suggests connecting the lid of a film container by hinge for the purpose of keeping the lid with the container when the lid is open (see Figs. 1 and 2). Apparently, a hinged lid would be handy for closure when such is desired. For this purpose it would have further been obvious in view of Hara to have made the lid of Saveliev et al hinged to the container.

Furthermore, the reference of Cyr at 50 suggests that carrying straps may be provided on a container for photographic equipment, including film, for the purpose of carrying the container from one's shoulder. For this purpose it would have further been obvious in view of Cyr to have provided a shoulder strap on the container of Saveliev et al, as modified above.

4) Claim 4 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Saveliev et al (5,819,936) in view of Arai et al (5,624,033), Light et al (5,885,673), Hara (5,139,165), and Cyr (5,775,496) as applied to claim 1 above and further in view of Rapchak (5,667,094), Shibazaki et al and Sorci

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(4,955,502). Although the thumb tab of Saveliev et al does not show the thumb tab as being further included from a protruding lip, the reference of Rapchak suggests that a finger release/tab (24) may extend from the protruding lip of a lid which engages an exterior notch (19) on the product container. This combination would apparently provide better leverage in disengaging the protruding lip on the lid from the notch in the wall of the container. Accordingly, it would have further been obvious to have made the mouth of the container of Saveliev et al with an exterior notch and the lid with an exterior protruding lid which engages the notch so that the tab may extend from the protruding lip of the lid, for the purpose of improving the leverage on the protruding lip, so as to better facilitate opening of the lid.

The reference of Shibazaki et al at S2 suggests providing a partition in a film container, and making the container large enough, for the purpose of holding more than one roll of film separately. For this purpose it would have further been obvious in view of Shibazaki et al to have made the container of Saveliev et al, as modified above, with a partition and with room for plural rolls of film.

The reference of Cyr, at the divider system, also suggests that a partition may be removable for the purpose of partitioning a container into selected compartments. It would have further been obvious in view of Cyr and for this purpose to have made the partitions of Saveliev et al, as modified above, removable.

The reference of Sorci at P suggests making partitions of paperboard (which the examiner asserts is flexible) for the purpose of making the partitions foldably collapsible when not in use. Accordingly, it would have

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further been obvious in view of Sorci to have made the partitions of Saveliev et al, as modified above, from paperboard (which is flexible).

3) Applicant's arguments filed January 24, 2005 have been fully considered but they are not deemed to be persuasive. The combination of features claimed may be novel, as Applicant argues, but it is not unobvious. Each of the elements in the claim is old in the art, as shown by the applied references, for the function in which it provide in the instant invention. Accordingly, Applicant's claimed invention appears to be nothing more than an accumulation of such known elements in a common structure, without a result which is unexpected in contrast to the applied reference teachings.

Applicant argues unpersuasively that Applicant's invention permits the carrying of film and provides a means for distinguishing unused film product from used film product. Inasmuch as wrapped film is unused and inasmuch as Arai et al teaches providing wrapped film, and therefore unused film, in an outer container, it is an intrinsic function of the teaching of Arai et al that one will be able to discern the unused film from used film (which is unwrapped. As for the carrying of film, the reference of Cyr teaches that film in a film container may be carried by carrying strap. Accordingly, these function claimed by Applicant are what would be expected from the teachings of Arai et al and Cyr. Accordingly, the claimed invention of Applicant is obvious over the applied teachings.

4) Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant

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is reminded of the extension of time policy as set forth in 37 C.F.R.

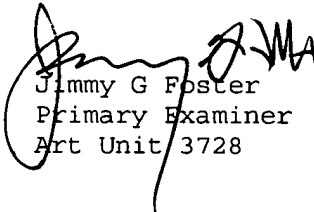
§ 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy G Foster whose telephone number is (571) 272-4554. The examiner can normally be reached on Mon-Fri, 8:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Jimmy G Foster
Primary Examiner
Art Unit 3728

JGF
12 April 2005